

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE

Application No.464 of 2013

(W.P.No.5 of 2008 – Kerala High Court)

In the matter of

State Environment Protection Council,
Rep. by its President Satheesh Kumar Pamban,
Kannur.

.. Applicant

And

1.Kannur Municipality,
Rep. by its Secretary, Kannur.

2. The Environmental Engineer,
Kerala State Pollution Control Board, Kannur.

3. The District Collector, Kannur.

4.Chelora Grama Panhayath, Kannur Dt.
Rep. by the Secretary.

5. State of Kerala,
Rep. by its Secretary,
Local Self Government Institutions,
Thiruvananthapuram.

.. Respondents

Counsel appearing for the applicant

M/s.P.B. Sahasranaman, K. Jagadeesh and
T.S. Harikumar

Counsel appearing for the respondents

Smt. Vidyalakshmi for R1
Smt. Rema Smrithi for R2
Smt. Suvitha A.S for R3 & R5
Mr.T. Sundaramurthy for R4

ORDER

Present

Hon'ble Shri Justice Dr. P. Jyothimani, Judicial Member
Hon'ble Prof. Dr. R. Nagendran, Expert Member.

14th October, 2015

This application was originally filed as a writ petition before the Hon'ble High Court of Kerala, praying for the issue of a writ of mandamus, directing the 1st respondent - Kannur Municipality to set up and made functional a waste processing and disposal facility and other requisites for the management of solid wastes, as contemplated under the Municipal Solid Wastes (Management and Handling) Rules, 2000 within a stipulated period.

2. The writ was laid on the ground that a duty is imposed on the municipality under the Municipal Solid Wastes (Management and Handling) Rules, 2000 (hereinafter referred to as "Rules") and also the judgment of the Hon'ble Supreme Court reported in MUNICIPAL COUNCIL, RATLAM v. VARDHICHAND (AIR 1980 SC 1622) wherein it was held that providing of sanitary facility is an utmost duty of the municipality.

3. The 3rd respondent District Collector has filed a status report dated 31.8.2015 wherein he has stated that Kannur Municipality, as on date, is having solid waste management in more than 20 acres of land in Chelora Grama Panchayath wherein the bio-degradable waste are processed. It is also stated that "Padannathode" a natural stream filled with solid waste has been renovated completely and the same has been made clean. In fact, the Government of Kerala has introduced "Clean Kerala Campaign" being a programme for tackling waste management in the State. There was a specific direction to all the local bodies to treat the bio-degradable household waste in a decentralised manner. It was based on the same, the Kannur Municipality has already formulated a project to provide bio-gas plants and pipe composting units under subsidised rates to households. If any violation of the provisions of the Rules are being reported, the municipality is taking action. It is also stated that a petition was received in the form of complaint on 2.2.2011. There was a strict direction given to the municipal authorities by the District Collector to take immediate action and accordingly a notice was given to the Secretary of the Kannur Municipality to appear before the District Collector to explain the solid waste management issue before the municipality. It is also stated that a meeting was convened by the District Collector in his chambers for the purpose of discussing the issue relating to the removal of solid waste and the steps are also being taken in respect of the implementation of the same. The

Government of Kerala itself has convened a meeting on 17.1.2012 in the presence of Hon'ble Minister and there was two more meetings on 30.4.2012 and 7.6.2012 for giving proper guidance in respect of the solid waste management by the municipal authority. A detailed review of decentralised waste management is being conducted by the District Collector once in four months from 2013 to 2015. The last such meeting having been held on 23.7.2015 in which the target for the year 2014 was given as 40,000 composting units in Kannur District. It is also stated that for the present year 2015 the target was set up as two lakh units and there is a good progress in this regard. An amount of Rs.2,62,00,000/- has been allotted by the Kannur district administration for the purpose of implementation of the project. The District Collector has stated that he is periodically supervising the proper implementation of the decisions taken regarding the solid waste management within Kannur Municipality.

4. In view of the categorical stand taken by the District Collector and also the assurance given on behalf of the Collector that proper steps will be taken by way of monitoring for the purpose of implementation of the decision taken for the solid waste management in Kannur Municipality, we are of the considered view that the prayer of the applicant is met with.

5. The Commissioner of Kannur Municipality has also submitted an annual report to the District Collector in Form – II dated 15.7.2015 wherein it is stated that the total quantum of the waste generated in Kannur municipal area per day as 35 tonnes and the waste collected is stated to be 5 tonnes. The above Form – II also shows that strict instructions have been given to the nursing homes numbering 28 to abide by the Bio-Medical Waste Management Handling Rules and they are disposing of the bio-medical waste through Image.

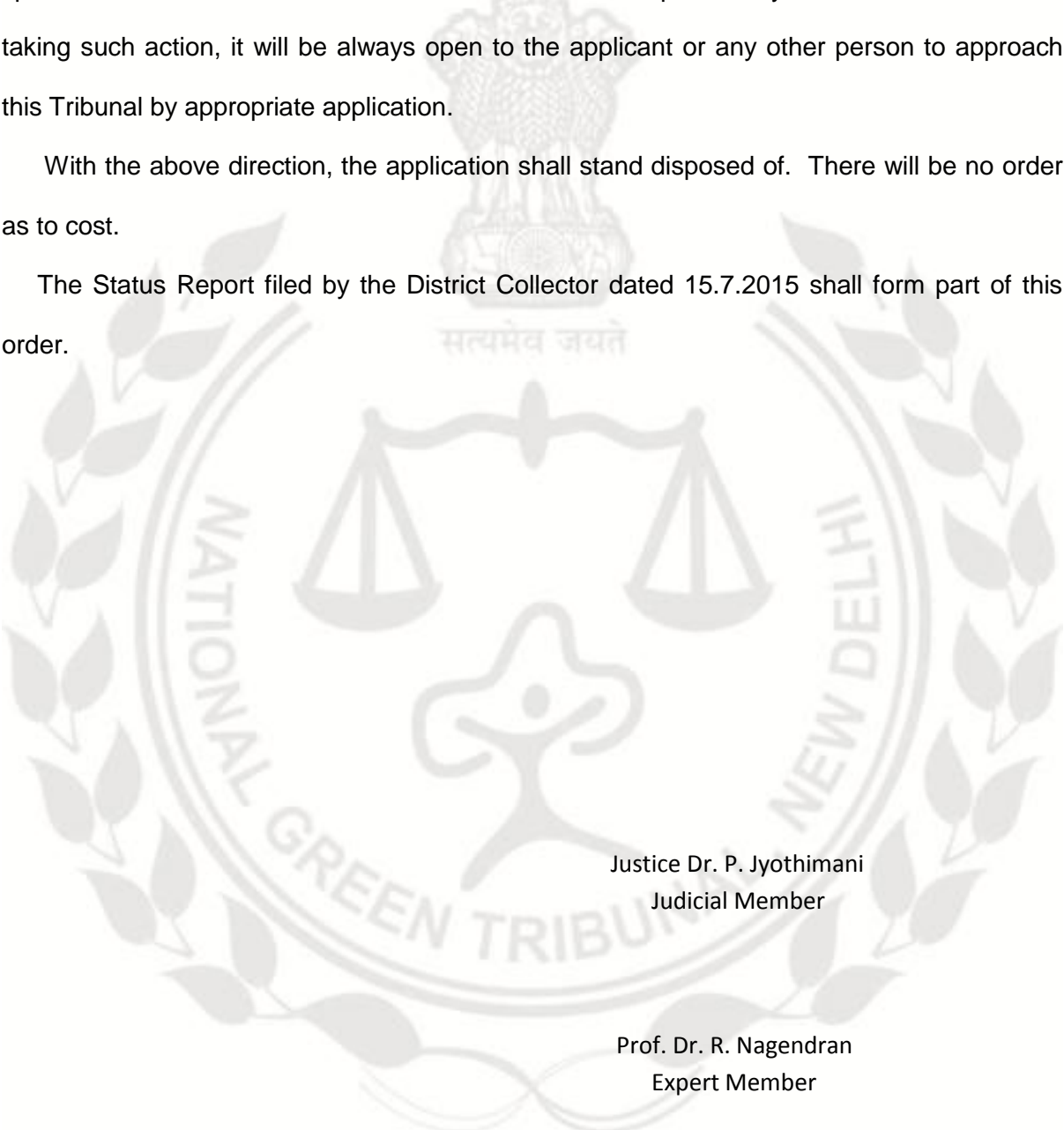
6. In that way, there have been many directions given and we are satisfied that if these directions are implemented in full spirit, the same will be suffice to meet the demands of Kannur Municipal Solid Waste Management Disposal Scheme.

7. However, the learned counsel appearing for the applicant would submit that Form – II is only a proposal and unless the same is implemented, there is no purpose in stating that the prayer is met with.

8. We make it very clear that the authorities shall implement the decisions taken in full spirit. Needless to state that in the event of failure on the part of any one of the authorities in taking such action, it will be always open to the applicant or any other person to approach this Tribunal by appropriate application.

With the above direction, the application shall stand disposed of. There will be no order as to cost.

The Status Report filed by the District Collector dated 15.7.2015 shall form part of this order.



Justice Dr. P. Jyothimani
Judicial Member

Prof. Dr. R. Nagendran
Expert Member

NGT